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HOUSE BILL 314

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO GAMING; AUTHORIZING THE DEPARTMENT OF HEALTH TO REVIEW AND APPROVE COMPULSIVE GAMBLER PLANS; REQUIRING UPDATED COMPULSIVE GAMBLER PLANS TO BE SUBMITTED ANNUALLY; AMENDING A SECTION OF THE GAMING CONTROL ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-2E-26 NMSA 1978 (being Laws 1997, Chapter 190, Section 28) is amended to read:

"60-2E-26. GAMING OPERATOR LICENSEES--GENERAL PROVISIONS--BUSINESS PLAN--PLAYER AGE LIMIT--RESTRICTIONS.--

A. An applicant for licensure as a gaming operator shall submit:

(1) with the application a compulsive gambler plan for assisting in the prevention, education and treatment of compulsive gambling; and

underscored material = new
[bracketed material] = delete

1 (2) submit a copy of the compulsive gambler
2 plan for assisting in the prevention, education and treatment
3 of compulsive gambling to the department of health.

4 B. The compulsive gambler plan shall include
5 regular educational training sessions for employees. A
6 compulsive gambler plan is a public document and is available
7 for review by the public upon request made to the board.

8 C. Plan approval by the department of health is a
9 condition of issuance or renewal of the gaming operator
10 license. The department of health shall notify the applicant
11 for a gaming operator license and the board of the approval or
12 rejection of the compulsive gambler plan within sixty days from
13 the date of receipt of the plan by the department of health or
14 the plan is deemed approved.

15 ~~[B-]~~ D. An applicant for licensure as a gaming
16 operator shall submit with the application a proposed business
17 plan. The plan shall include at least:

- 18 (1) a floor plan of the area to be used for
19 gaming machine operations;
20 (2) an advertising and marketing plan;
21 (3) the proposed placement and number of
22 gaming machines;
23 (4) a financial control plan;
24 (5) a security plan;
25 (6) a staffing plan for gaming machine

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1 operations; and

2 (7) details of any proposed progressive
3 systems.

4 [~~C-~~] E. A gaming operator licensee shall be granted
5 a license to operate a specific number of machines at a gaming
6 establishment identified in the license application and shall
7 be granted a license for each gaming machine.

8 F. A gaming operator licensee seeking renewal of
9 his license shall submit to the board and to the department of
10 health an updated compulsive gambler plan annually at the time
11 of each license renewal request. A license shall not be
12 renewed until the compulsive gambler plan is approved by the
13 department of health. The department of health shall notify
14 the gaming operator licensee and the board of the approval or
15 rejection of the compulsive gambler plan within sixty days from
16 the date of receipt of the plan by the department of health or
17 the plan is deemed approved.

18 [~~D-~~] G. A gaming operator licensee who desires to
19 change the number of machines in operation at a gaming
20 establishment shall apply to the board for an amendment to his
21 license authorizing a change in the number of machines.

22 [~~E-~~] H. Gaming machines may be available for play
23 only in an area restricted to persons twenty-one years of age
24 or older.

25 [~~F-~~] I. A gaming operator licensee shall erect a

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[bracketed material] = delete

1 permanent physical barrier to allow for multiple uses of the
2 premises by persons of all ages. For purposes of this
3 subsection, "permanent physical barrier" means a floor-to-
4 ceiling wall separating the general areas from the restricted
5 areas. The entrance to the area where gaming machines are
6 located shall display a sign that the premises are restricted
7 to persons twenty-one years of age or older. Persons under the
8 age of twenty-one shall not enter the area where gaming
9 machines are located.

10 [~~G.~~] J. A gaming operator licensee shall not have
11 automated teller machines in the area restricted pursuant to
12 Subsection [~~F.~~] I. of this section.

13 [~~H.~~] K. A gaming operator licensee shall not provide,
14 allow, contract or arrange to provide alcohol or food for no
15 charge or at reduced prices as an incentive or enticement for
16 patrons to game.

17 [~~I.~~] L. Only a racetrack licensed by the state
18 racing commission or a nonprofit organization may apply for or
19 be issued a gaming operator's license. No other persons are
20 qualified to apply for or be issued a gaming operator's license
21 pursuant to the Gaming Control Act."